

August 9, 2021

**VIA ECF**

Hon. Sarah Netburn  
United States Magistrate Judge  
Thurgood Marshall Courthouse  
40 Foley Square, Room 430  
New York, New York 10007

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**RE:** *Stansell, et al. v. Revolutionary Armed Forces of Colombia (FARC)*, Case No. 1:16-mc-00405-LGS-SN & *Pescatore, et al. v. Pineda, et al.*, Case No. 1:18-mc-00545-LGS-SN

Dear Judge Netburn:

We represent third-party defendants Aceites y Solventes Venezolanos Vassa, S.A. (“ASV”), Petro San Felix, S.A., Venfleet Asphalt, Ltd., Petrowarao, S.A., and Venezuelan Heavy Industries, C.A. (“VHI”) (together, the “PDVSA Subsidiaries”) in the above-referenced related actions.

The PDVSA Subsidiaries intend to file a motion to vacate the December 15, 2020 orders that declared the PDVSA Subsidiaries “agencies or instrumentalities of the FARC.” To that end, the PDVSA Subsidiaries respectfully request that the Court enter the following stipulated briefing schedule:

- The PDVSA Subsidiaries shall file their motion to vacate by August 13, 2021;
- Plaintiffs shall file any opposition to the motion to vacate by October 1, 2021; and
- The PDVSA Subsidiaries shall file any reply by November 1, 2021.

The *Stansell* and *Pescatore* plaintiffs agree to the foregoing request.

Further, the December 15 orders authorized issuance of writs of execution against blocked assets in which the PDVSA Subsidiaries have an interest (*Stansell/Pescatore* ECF Nos. 114/40). If successful, the motion to vacate would result in the dissolution of the writs of execution that gave rise to the interpleader complaints filed by garnishees Citibank and Sumitomo (*Stansell* ECF Nos. 227, 236, & 238) and otherwise dispose of the claims at issue in the interpleader complaints. Accordingly, to avoid unnecessary or duplicative briefing, the PDVSA Subsidiaries also request an extension of their deadlines to respond to the interpleader complaints until 30 days after the Court rules on the forthcoming motion to vacate.

This is the first request for adjournment or extension by the PDVSA Subsidiaries. The current

deadline for ASV, Petro San Felix, and Venfleet Asphalt to respond to Citibank's interpleader complaint (*Stansell* ECF No. 227) is August 16, 2021. *See Stansell* ECF Nos. 290-92. The current deadline for Petrowarao and VHI to respond to Sumitomo's interpleader complaints (*Stansell* ECF Nos. 236 & 238) is September 2, 2021. *See Stansell* ECF Nos. 305-06. Garnishees Citibank and Sumitomo consent to this request.

Counsel for the *Stansell* and *Pescatore* plaintiffs have informed the PDVSA Subsidiaries that the *Stansell* and *Pescatore* plaintiffs do not consent to this request and suggested that the motion to vacate and any motion to dismiss the interpleader complaints should proceed at the same time to avoid piecemeal litigation and delay. The PDVSA Subsidiaries submit that these concerns are unfounded because, as described above, any overlapping issues will be resolved through the motion to vacate, without the overlay of any additional issues or parties — including the Garnishees — implicated by the interpleader complaints. As stated above, resolution of the motion to vacate in favor of the PDVSA Subsidiaries and dissolution of the writs could moot the interpleader complaints in their entirety.

The PDVSA Subsidiaries reserve all rights, defenses, privileges and immunities, including without limitation as to subject matter and personal jurisdiction.

Respectfully submitted,

s/ Nicole Erb

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cc: All counsel of record via ECF